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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,196	03/10/2004	Thomas Fischer	Q78677	2445
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SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER GAMI, TEJAL	
			ART UNIT 2121	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,196	<b>Applicant(s)</b> FISCHER ET AL.
	<b>Examiner</b> TEJAL J. GAMI	<b>Art Unit</b> 2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 October 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is responsive to an AMENDMENT entered October 10, 2008 for the patent application 10/796196.

**Status of Claims**

2. Claims 1-14 were rejected in the last Office Action dated June 11, 2008.

As a response to the June 11, 2008 office action, Applicant has Added claims 15 and 16.

Claims 1-16 are now presented for examination in this office action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nixon et al. (U.S. Patent Number: 6,032,208).

**As to independent claim 1,** Nixon discloses a method for automatically configuring a technology module (e.g., automatically assigned by configuration software) (see Col. 29, Lines 22-23), for representing and controlling a technical process system that is connected to a computer user station via at least one interface

for transferring data (e.g., control of the process is often implemented using microprocessor-based controllers, computers or workstations which monitor the process by sending and receiving commands and data to hardware devices to control) (see Col. 2, Lines 24-27), comprising:

a user specifying type of at least one process element of the process system and the start address of a memory module associated with the process element (e.g., signal type and entry in table) (see Figures 15 and 16; and Col. 28, Lines 32-39); and automatically creating the technology module by allocating at least one of a signaling functional element (e.g., signals to implement appropriate operational functions) (see Col. 7, Lines 47-62), an archive data functional element (e.g., elements defined by the function blocks with predefined templates stored in the library) (see Col. 3, Lines 31-37) and a picture functional element to the process element based on the selected type of the at least one process element (e.g., control template is defined as the grouping of attribute functions that are used to control a process and the methodology used for a particular process control function, the control attributes, variables, inputs, and outputs for the particular function and the graphical views of the function as needed such as an engineer view and an operator view) (see Col. 9, Lines 41-46), wherein the technology module and the at least one signaling element, archive data element or picture element are stored as a logically connected unit (e.g., the microprocessor or computer associates each of the functions or elements defined by the function blocks with predefined templates stored in the library and relates each of the program functions or

elements to each other according to the interconnections desired by the designer) (see Col. 3, Lines 31-37); and

wherein the logically connected unit is centrally processed and managed (e.g., central processing unit) (see Col. 9, Lines 24-30).

**As to dependent claim 2,** Nixon teaches the method as claimed in claim 1, wherein the data comprises at least one of process data, state data, open-loop data, and closed-loop control data (e.g., process control environment for transferring and receiving data and control signals) (see Col. 8, Lines 45-51).

**As to dependent claim 3,** Nixon teaches the method as claimed in claim 1, wherein a plurality of types of process elements are stored in a library (e.g., elements stored in the library) (see Col. 3, Lines 31-37).

**As to dependent claim 4,** Nixon teaches the method as claimed in claim 3, wherein the library is provided in the computer user station (e.g., computer associates elements stored in the library) (see Col. 3, Lines 31-37).

**As to dependent claim 5,** Nixon teaches the method as claimed in claim 1, wherein the at least one signaling functional element, archive data functional element or picture functional element is assigned respectively to individual types of process elements (e.g., signal type) (see Col. 28, Lines 32-39).

**As to dependent claim 6,** Nixon teaches the method as claimed in claim 5, wherein the at least one signaling functional element, archive data functional element and picture functional element is assigned to a group of types of process elements (e.g., signal type) (see Col. 28, Lines 32-39).

**As to dependent claim 7,** Nixon teaches the method as claimed in claim 5, further comprising modifying the allocation of the signaling functional element, archive data functional element or picture functional element to the individual types of process elements (e.g., signal type) (see Col. 28, Lines 32-39).

**As to dependent claim 8,** Nixon teaches the method as claimed in claim 6, further comprising modifying the allocation of the signaling functional element, archive data functional element or picture functional element to the group of types of process elements (e.g., signal type) (see Col. 28, Lines 32-39).

**As to dependent claim 9,** Nixon teaches the method as claimed in claim 1, wherein the signaling functional element is configured to detect object-specific signals of the process element in the computer user station (e.g., signals to configure the central processing unit to implement appropriate operational functions) (see Col. 7, Lines 47-62).

**As to dependent claim 10,** Nixon teaches the method as claimed in claim 1, wherein the archive data functional element is configured to archive at least one of state data or process data of the process element in the computer user station (e.g., elements defined by the function blocks with predefined templates stored in the library) (see Col. 3, Lines 31-37).

**As to dependent claim 11,** Nixon teaches the method as claimed in claim 1, wherein the picture functional element is configured to display at least one of object-specific signals, state variables or process variables of the process element on the user interface of the computer user station (e.g., control template is defined as the grouping

of attribute functions that are used to control a process and the methodology used for a particular process control function, the control attributes, variables, inputs, and outputs for the particular function and the graphical views of the function as needed such as an engineer view and an operator view) (see Col. 9, Lines 41-46).

**As to dependent claim 12,** Nixon teaches the method as claimed in Claim 1, wherein said assigning and said automatic creating are during configuration of the technology module (e.g., automatically assigned by configuration software) (see Col. 29, Lines 22-23).

**As to dependent claim 13,** Nixon teaches the method as claimed in Claim 12, wherein during said automatic creating, a technology module is generated to correspond to the at least one process element specified by the user and wherein, for the generated technology module, at least one of the signaling functional element, the archiving functional element, and the picture functional element is automatically created and allocated (e.g., signal type) (see Col. 28, Lines 32-39).

**As to dependent claim 14,** Nixon teaches the method according to claim 1, wherein the signaling functional element, the archive data functional element and the picture functional element are assigned to the specified type of the process elements (e.g., control template is defined as the grouping of attribute functions that are used to control a process and the methodology used for a particular process control function, the control attributes, variables, inputs, and outputs for the particular function and the graphical views of the function) (see Col. 9, Lines 41-46).

**As to dependent claim 15,** Nixon teaches the method according to claim 1, wherein the automatically creating comprises:

analyzing the selected type of the at least one process element to determine corresponding functional elements (e.g., methodology used for a particular process control function, the control attributes, variables, inputs, and outputs for the particular function and the graphical views of the function as needed such as an engineer view and an operator view) (see Col. 9, Lines 41-46);

retrieving the determined functional elements comprising at least one of the signaling functional element (e.g., signals to implement appropriate operational functions) (see Col. 7, Lines 47-62), the archive data functional element (e.g., elements defined by the function blocks with predefined templates stored in the library) (see Col. 3, Lines 31-37) and the picture functional element (e.g., control template is defined as the grouping of attribute functions that are used to control a process and the methodology used for a particular process control function, the control attributes, variables, inputs, and outputs for the particular function and the graphical views of the function as needed such as an engineer view and an operator view) (see Col. 9, Lines 41-46), that are assigned to the analyzed selected type of the at least one process element (e.g., the microprocessor or computer associates each of the functions or elements defined by the function blocks with predefined templates stored in the library and relates each of the program functions or elements to each other according to the interconnections desired by the designer) (see Col. 3, Lines 31-37); and

automatically allocating the retrieved functional elements to the technology module (e.g., automatically assigned by configuration software) (see Col. 29, Lines 22-23).

**As to dependent claim 16**, the method according to claim 1, wherein the technology module is an operator communication block provided on a user interface which displays representation and control of at least a portion of the technical process system (e.g., control of the process is often implemented using microprocessor-based controllers, computers or workstations which monitor the process by sending and receiving commands and data to hardware devices to control) (see Col. 2, Lines 24-27).

#### *Response to Arguments*

5. Applicant's arguments filed October 10, 2008 have been fully considered. The arguments are not persuasive. The following are the Examiner's observations in regard thereto.

#### Applicant Argues:

In short, Applicant respectfully submits that Nixon does not disclose or suggest automatically creating a technology module by having the user specify both the type of the process element and the address of the memory module and where various functional elements are allocated to create this module based on the selected type of the process element.

#### Examiner Responds:

Examiner is not persuaded. See Figure 12 for creation of a technology module (e.g., create). The word "type" is a broad term. An example of type specification could be made in Figure 12 where the prior art discloses a type, such as AIN, DI, etc. See also Figure 15 where specifying the address of the memory module (e.g., NODE, IOSYS,

CARD, PORT) for a process element (e.g., instrument signal tag IST NAME) is anticipated by the prior art. Figure 12 also teaches allocated functional elements (e.g., edit) based on the selected type (e.g., ain, di).

The claims and only the claims form the metes and bounds of the invention. The examiner thanks applicant for further explaining the invention in Section B Exemplary Features of the response submitted on 10/10/2008. However, the claims as written are extremely broad. In other words, the claims as written are not as clear and concise as the explanation submitted in Section B Exemplary Features on 10/10/2008. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Under such considerations, the claims as written are anticipated by the prior art.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Misawa et al. (U.S. Publication Number: 2002/0183870) teaches setting display apparatus for a programmable controller.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejal J. Gami whose telephone number is (571) 270-1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/

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Supervisory Patent Examiner, Art Unit 2121

/TJG/